

DRAFT FOR COMMENT ONLY

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This draft does not constitute agency policy in any way or for any purpose.



U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

**U.S. Citizenship
and Immigration
Services**

Request for Evidence Template

I-140 E11 Alien of Extraordinary Ability

Introductory Paragraph - Self-Petitioner

You have filed Form I-140, Immigrant Petition for Alien Worker, on behalf of yourself on [insert date petition was filed].

Introductory Paragraph - Other Petitioner

You have filed Form I-140, Immigrant Petition for Alien Worker, filed by [insert petitioner name] on behalf of [insert name of beneficiary], ("beneficiary") on [date petition was filed].

Job Title and Field of Expertise Statement

The beneficiary intends to work as a [insert job title in the field of name of field].

Coming to Continue Working in Claimed Area of Expertise Undetermined

It must be shown whether the beneficiary will continue working in the claimed area of expertise. The petition does not indicate that the beneficiary has prearranged commitments for working in this field. Please submit evidence that the beneficiary is coming to the United States to continue work in the field. The work must be in the field in which the beneficiary has garnered sustained national or international acclaim. Evidence you may submit to satisfy this requirement includes, but is not limited to:

- Letters from prospective employers;
- Employment contracts;
- A statement from the beneficiary detailing plans on how they intend to continue work in the United States; or,
- Any other relevant evidence.

Discussion of Eligibility

A two-part analysis is used to determine whether the beneficiary is an individual of extraordinary ability:

- First, we determine whether the petitioner has submitted evidence to show that the beneficiary:
 - Has received a one-time achievement (a major internationally recognized award); or,
 - Qualifies under at least three of the criteria required for this classification.

- Second, we determine whether the petitioner has submitted evidence demonstrating that the beneficiary:
 - Is one of a small percentage who are at the very top of their field; and,
 - Has sustained national or international acclaim.

All evidence submitted should address both parts of the analysis. A discussion follows addressing the evidence you have provided with the petition.

Evidence does not establish that the beneficiary has received a one-time achievement that is a major, internationally recognized award.

You submitted an award/awards from [insert name of institution(s)] as evidence of a one-time achievement that is a major, internationally recognized award. This criterion has not been met because the award(s) does not appear to be a major, internationally recognized award. To show that award(s) is/are major, internationally recognized awards, you may submit:

- Documentary evidence to show the award:
 - Is internationally recognized in your field as one of the top awards for the field;
 - Attracts worldwide competition;
 - Was reported internationally in the top media;
 - Is a familiar name to the public at large; and/or,
 - Includes a large cash prize
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Discussion of Criteria

(i) Documentation of the beneficiary's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

Award(s) Appear to be Local or Regional

This criterion has not been met because the prizes or awards appear to be local or regional in nature. You have provided [describe the specific exhibits if less than five or summarize the various categories of evidence submitted for this criterion (e.g. grants, academic awards, scholarships, ...)]

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- (list submitted evidence)

To show nationally or internationally recognized prizes or awards for excellence in the field, you may submit:

- Documentary evidence of the criteria used to grant the prizes or awards.
- Documentary evidence demonstrating the following:
 - The significance of the prizes or awards, to include the national or international recognition that the prizes or awards share;
 - The reputation of the organization granting the prizes or awards;
 - Who is considered for the prizes or awards, including the geographic scope for which candidates may apply;
 - How many prizes or awards are awarded each year;
 - Previous winners who enjoy national or international acclaim; and,
 - Media attention that the prizes or awards receive, including the circulation of the media outlet.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Evidence does not Establish that the Basis for the Award(s) was/were Excellence in the Field

This criterion has not been met as it has not been established that the prizes or awards were given for excellence in the beneficiary's field of endeavor, or that the primary purpose of the prizes or awards was to recognize excellence in the beneficiary's field. To demonstrate excellence in the field was the basis for the prizes or awards, you may submit:

- Documentary evidence describing how the prizes or awards relate to excellence in the beneficiary's field.
- Documentary evidence of the criteria used to grant the prizes or awards, including evidence that a criterion for winning the prizes or awards was excellence in the field;
- Documentary evidence of the reputation of the organization granting the prizes or awards.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Award(s) Appear to be Local or Regional and No Evidence that the Basis for the Award(s) was/were Excellence in the Field

This criterion has not been met because the prizes or awards appear to be local or regional in nature and the record does not demonstrate that the prizes or awards were given for excellence in the beneficiary's field. To assist in determining that the prizes or awards satisfy this criterion, you may submit:

- Documentary evidence of the criteria used to grant the prize or award, including evidence that a criterion for winning the award or prize was excellence in the field;
- Documentary evidence demonstrating the following:
 - The significance of the prizes or awards, to include the national or international recognition that the prizes or awards share;
 - The reputation of the organization granting the prizes or awards;
 - Who is considered for the prizes or awards, including the geographic scope for which candidates may apply;
 - How many prizes or awards are awarded each year;
 - Previous winners who enjoy national or international acclaim; and,

- Media attention that the prizes or awards receive, including the circulation of the media outlet.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Evidence does not Establish that the Award(s) are Related to Beneficiary's Field

This criterion has not been met because the prizes or awards do not appear to relate to the beneficiary's field. To assist in determining that the prizes or awards satisfy this criterion, you may submit:

- Documentary evidence of national or international prizes or awards received that were granted for excellence in the beneficiary's field.
- Documentary evidence establishing what the criterion was for winning the prizes or awards.
- Documentary evidence describing how the prizes or awards relate to the beneficiary's field.
- Documentary evidence of the following:
 - The significance of the prizes or awards;
 - Who is considered for the prizes or awards;
 - How many prizes or awards are given each year; and
 - Previous winners who are related to the beneficiary's field.
- Articles, if the prizes or awards were reported in the media, including the circulation of the media outlet.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Academic Awards Not Nationally or Internationally Recognized

You have submitted prizes or awards that appear to have been received while pursuing an education. Generally, such honors are not considered to be nationally or internationally recognized prizes or awards for excellence in the field of endeavor. Reason being, they are generally given to students or early career professionals in the field and inherently exclude established professionals who have already risen to the top of the field of endeavor. If you believe the prizes or awards have significance in the field beyond being a student or early career award, you may submit:

- The criteria used to give the prizes or awards.
- Information on the reputation of the organization granting the prizes or awards.
- Documentary evidence demonstrating:
 - The significance of the prizes or awards, to include the national or international recognition the prizes or awards share;
 - The reputation of the organization granting the prizes or awards;
 - Who is considered for the prizes or awards, including the geographic scope for which candidates may apply;
 - How many prizes or awards are awarded each year;
 - Previous winners who enjoy national or international acclaim; and,
 - Media attention the prizes or awards receive, including the circulation of the media outlet.

- Documentary evidence establishing how the award(s) was/were given for excellence in the beneficiary's field.

Submit any other information about the prizes or awards that you think would help establish that the prizes or awards should be considered as nationally or internationally recognized prizes or awards for excellence in the field of endeavor.

Note: For any prize or award submitted, please also provide:

- A copy of the each prize or award certificate; or
- A clear photograph of each prize or award; or
- Public announcement regarding the awarding of the prizes or awards issued by the granting organization.

(ii) Documentation of the beneficiary's membership in associations in the field for which classification is sought. The association must require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

You have provided [describe what was provided, e.g. A Simple statement, evidence of membership, ...] that the beneficiary belongs to the following associations:

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- (list submitted evidence)

Evidence does not Establish that the Associations Require Outstanding Achievements

This criterion has not been met because the evidence does not show that the associations require outstanding achievements of its members. To assist in determining that the beneficiary's memberships satisfy this criterion, you may submit:

- The section of the association's constitution or bylaws which discuss the criteria for membership for the beneficiary's level of membership in the association.
- The above is an example of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Evidence does not Establish that the Beneficiary's Outstanding Achievements were the Basis for Granting Memberships as Judged by Recognized National or International Experts in their Disciplines or Field

This criterion has not been met because the evidence does not show that the basis for granting memberships in the submitted associations was the beneficiary's outstanding achievements in the field of endeavor as judged by recognized national or international experts in the field. To assist in determining that the beneficiary's memberships satisfy this criterion, you may submit:

- Information to establish that the individuals who review prospective members' applications are recognized as national or international experts in their disciplines or fields.
- The section of the association's bylaws which discuss the qualifications required of the reviewers on the review panel of the association.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Evidence does not Establish that the Association(s) Require(s) Outstanding Achievements, nor does it show that the Beneficiary's Outstanding Achievements are the Basis for Granting Membership as Judged by Recognized National or International Experts in their Disciplines or Fields

This criterion has not been met because the evidence does not show that this association requires/these associations require outstanding achievements of its members. It has also not been shown that the granting of the membership(s) was based on the beneficiary's outstanding achievements in the field of endeavor as judged by nationally or internationally recognized experts. To assist in determining that the beneficiary's membership(s) satisfy this criterion, you may submit:

- Evidence of the minimum requirements and criteria used to apply for the beneficiary's level of membership in the association.
- The section of the association's bylaws which discuss the criteria for membership and the qualifications required of the reviewers on the review panel of the association.
- Information to establish that the individuals who review prospective members' applications are recognized as national or international experts in their disciplines or fields.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Evidence does not Establish that the Association(s) is/are Related to the Beneficiary's Field of Endeavor

This criterion has not been met because the evidence does not show that the associations are related to the beneficiary's field of endeavor. To assist in determining that the beneficiary's memberships satisfy this criterion, you may submit:

- The section of the association's bylaws which discuss the criteria for membership.
- Documentary evidence which describes the association's goals, mission, or target membership.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

(iii) Published material about the beneficiary in professional or major trade publications or other major media. The materials must relate to the beneficiary's work in the field for which classification is sought.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

You have provided [describe what was provided, e.g. A Simple statement, actual publications, citation lists, ...]:

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- (list submitted evidence)

Evidence does not establish that the Published Material has been published in professional or major trade publications or other major media

This criterion has not been met because the evidence does not indicate that the published material was published in professional or major trade publications or other major media. To assist in determining that the publications qualify as professional or major trade publications or other major media, you may submit:

- Documentary evidence including:
 - The title, date, and author of the published material;
 - The circulation (online and/or in print); and,
 - The intended audience of the publication.

Note: The evidence submitted should be specific to the media format in which it was published. If the material was published online, the evidence should relate to the website. If it was published in print, the evidence should relate to the printed publication.

- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Evidence does not establish that the Published Material is about the Beneficiary and the Beneficiary's Specific Work in the Field for which the Classification is Sought

This criterion has not been met because the evidence does not indicate that the published material was material that related to the beneficiary and the beneficiary's specific work in the field. To assist in determining that the published material relates to the beneficiary and the beneficiary's work in the field, you may submit:

- Additional published material that relates to the beneficiary and the beneficiary's work in the field.

- Documentary evidence that the submitted published material was primarily about the beneficiary and the beneficiary's work in the field.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Notes:

- Additional published material should be dated prior to the date of submission of this Form I-140.
- The published material should be about the beneficiary's work in the field, not just about the beneficiary's employer or other organizations the beneficiary is associated with.
- Marketing materials created for the purpose of selling the beneficiary's products or promoting the beneficiary's services are not generally considered to be published material about the beneficiary.
- Unevaluated listings in a subject matter index or footnote, or reference to the beneficiary's work without evaluation are insufficient.

Evidence does not Establish that the Published Material has been Published in Professional or Major Trade Publications or other Major Media and that the Published Material is about the Beneficiary and the Beneficiary's Specific Work in the Field for which the Classification is Sought

This criterion has not been met because the evidence does not indicate that the published material was published in professional or trade publications or other major media. Further, it has not been established that the published material was material that related to the beneficiary and the beneficiary's specific work in the field. To assist in determining that the publications qualify as professional or trade publications or other major media, and that that the published material relates to the beneficiary and the beneficiary's work in the field, you may submit:

- Documentary evidence including:
 - The title, date, and author of the published material;
 - The circulation (online and/or in print); and,
 - The intended audience of the publication.
- Additional published material that relates to the beneficiary and the beneficiary's work in the field.
- Documentary evidence that the published material was primarily about the beneficiary and the beneficiary's work in the field.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Notes:

- Additional published material should be dated prior to the date of submission of this Form I-140.
- The evidence submitted should be specific to the media format in which it was published. If the material was published online, the evidence should relate to the website. If the material was published in print, the evidence should relate to the printed publication.
- The published material should be about the beneficiary's work in the field, not just about the beneficiary's employer or other organizations the beneficiary is associated with.
- Marketing materials created for the purpose of selling the beneficiary's products or promoting the beneficiary's services are not generally considered to be published material

- about the beneficiary.
- Unevaluated listings in a subject matter index or footnote, or reference to the beneficiary's work without evaluation are insufficient.

(iv) Evidence of the beneficiary's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specialization for which classification is sought.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

You have provided [describe what was provided, e.g. A Simple statement, requests to review manuscripts....]:

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- (list submitted evidence)

Evidence Submitted to show the Beneficiary has Judged the Work of Others Appears to be in an Unrelated Field

The evidence provided shows that the beneficiary has acted as a judge of the work of others in field of [insert field in which the beneficiary has acted as a judge], which is a field of endeavor that appears to be unrelated to the beneficiary's field of endeavor [insert beneficiary's claimed field of expertise]. Please provide evidence that clarifies how this field qualifies as the same or allied field of specialization for which classification is sought.

(v) Evidence of the beneficiary's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

You have provided [describe what was provided, e.g. A Simple statement, journal articles, evidence of competitive athletic achievement,]:

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- (list submitted evidence)

Evidence does not Establish that the Original Scientific, Scholarly, Artistic, Athletic, or Business-related Contributions are of Major Significance

This criterion has not been met because the evidence submitted does not show that the beneficiary's contributions are considered to be of major significance to the field of endeavor. To assist in determining whether the beneficiary's contributions are original and of major significance, you may submit:

- Objective documentary evidence of the significance of the beneficiary's contribution to the field.
- Documentary evidence that people throughout the field currently consider the beneficiary's work important.
- Testimony and/or support letters from experts which discuss the beneficiary's contributions of major significance.
- Evidence that the beneficiary's major significant contribution(s) has provoked widespread public commentary in the field or has been widely cited.
- Evidence of the beneficiary's work being implemented by others. Possible evidence may include but is not limited to:
 - Contracts with companies using the beneficiary's products;
 - Licensed technology being used by others;
 - Patents currently being utilized and shown to be significant to the field.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Note: Letters and testimonies, if submitted, must provide as much detail as possible about the beneficiary's contribution and must explain, in detail, how the contribution was "original" (not merely replicating the work of others) and how they were of "major" significance. General statements regarding the importance of the endeavors are insufficient.

(vi) Evidence of the beneficiary's authorship of scholarly articles in the field, in professional or major trade publications or other major media.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

You have provided [describe what was provided, e.g. A Simple statement, journal articles, scientific citation indexes, ...]:

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- (list submitted evidence)

Incomplete Record of Scholarly Articles

This criterion has not been met because the evidence is incomplete. Please submit a complete record of the scholarly articles that beneficiary has authored. Evidence of this record could include either:

- Results from scholarly literature search websites (such as SciFinder or Google Scholar) that show the beneficiary as the author, the title of the article, and the journal in which it was published; or
- Paper copies of the beneficiary's articles. It is not necessary to submit full articles. For each article, you only need to submit the pages necessary to show:
 - The beneficiary as author;
 - The title of the article; and,
 - The journal in which it was published.

Evidence does not Establish that the Articles are Scholarly

This criterion has not been met because it has not been shown that the beneficiary's articles are scholarly in nature. In general, a scholarly article is an article that deals with academic subject matter. To assist in determining whether the beneficiary's articles are scholarly in nature, you may submit:

- Documentary evidence that the beneficiary's articles deal with an academic subject matter.
- Documentary evidence that the beneficiary's articles have been through a review process that is consistent with articles that are considered academic.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Evidence does not Establish that the Articles have been Published in Professional or Major Trade Publications or Other Major Media

This criterion has not been met because the evidence does not show that the articles were published in professional publications, trade publications, or other major media. To assist in determining that the publications qualify as professional or trade publications or other major media, you may submit:

- Documentary evidence to establish that the publications in which the articles appear are professional publications, trade publications, or other major media.
 - Such evidence could include circulation information. If circulation information is submitted, it should be specific to the media format in which it was published. That is, if the article was published online, the evidence must relate to the website. If it was published in print, the evidence must relate to the printed publication.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Evidence does not Establish that the Articles are Scholarly and that they have been Published in Professional or Major Trade Publications or Other Major Media

This criterion has not been met because it has not been shown that the beneficiary's articles are scholarly in nature. In general, a scholarly article is an article that deals with academic subject matter. In addition, the evidence does not show that the articles were published in professional publications, trade publications, or other major media. To assist in determining that the beneficiary's articles are scholarly in nature and that they were published in publications that qualify as professional or trade publications or other major media, you may submit:

- Evidence that the beneficiary's articles deal with an academic subject matter.
- Documentary evidence that the beneficiary's articles have been through a review process that is consistent with articles that are considered academic.
- Documentary evidence to establish that the publications in which the articles appear are professional publications, trade publications, or other major media.
 - Such evidence could include circulation information. If circulation information is submitted, it should be specific to the media format in which it was published. That is, if the article was published online, the evidence must relate to the website. If it was published in print, the evidence must relate to the printed publication.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

(vii) Evidence of the display of the beneficiary's work in the field at artistic exhibitions or showcases.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

You have provided [describe what was provided, e.g. Copies of physical art, exhibition announcements and invitations, ...]:

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- (list submitted evidence)

Evidence does not establish that the Work Product Submitted is in Fact the Beneficiary's

This criterion has not been met because the evidence does not indicate that the work that was displayed was the beneficiary's work product. To assist in determining that the work displayed was created by the beneficiary, you may submit:

- Evidence that the work was primarily created by the beneficiary.
- Materials created for the purpose of promoting the beneficiary's artistic works.
- Sales records listing the beneficiary as the creator of the sold works.

- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Evidence does not establish that the venue(s) (virtual or otherwise) where the beneficiary's work was displayed were *artistic* exhibitions or showcases.

This criterion has not been met because the evidence does not indicate that the beneficiary's works were displayed at artistic exhibitions or showcases (virtual or otherwise). To assist in determining that the venues where the beneficiary's work has been displayed qualify as artistic exhibitions or showcases, you may submit:

- Evidence that the venue (virtual or otherwise) where the beneficiary's work was displayed were artistic exhibitions or showcases.
- Materials created to promote and publicize the artistic exhibitions or showcases.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Evidence does not Establish that the Work Product Submitted is in Fact the Beneficiary's and does not Establish that the venue(s) (virtual or otherwise) where the beneficiary's work was displayed were *artistic* exhibitions or showcases

This criterion has not been met because the evidence does not indicate that the work that was displayed was the beneficiary's work product. Further, it has not been established that the works were displayed at artistic exhibitions or showcases, virtual or otherwise. To assist in determining that the work displayed was created by the beneficiary and that the venues qualified as artistic exhibitions or showcases, you may submit:

- Evidence that the work was primarily created by the beneficiary.
- Materials created for the purpose of promoting the beneficiary's artistic works.
- Sales records listing the beneficiary as the creator of the sold works
- Evidence that the venue (virtual or otherwise) where the beneficiary's work was displayed were artistic exhibitions or showcases.
- Materials created to promote and publicize the artistic exhibitions or showcases.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

(viii) Evidence that the beneficiary has performed in a leading or critical role for organizations or establishments that have a distinguished reputation.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

You have provided [describe what was provided, e.g. Organizational charts, letters from President/CEO, ...]:

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- (list submitted evidence)

Evidence does not establish that the beneficiary has performed in leading or critical roles for organizations or establishments

This criterion has not been met because the evidence does not indicate that the role the beneficiary has performed for [enter name of organization or establishment] is/was leading or critical. To assist in determining that the beneficiary has performed in a leading or critical role for [enter name of organization or establishment], you may submit:

- Documentary evidence to demonstrate how the beneficiary's role was/is leading or critical for the organizations or establishments.
 - It is not the title of the beneficiary's role, but rather the beneficiary's performance in the role that determines whether the role is leading or critical. As such, include details regarding why the beneficiary's performance in the role was leading or critical.
- Documentary evidence to establish that the beneficiary has been a leader or has somehow contributed in a way that is of significant importance to the outcome of the organizations or establishments activities.
- Documentary evidence to demonstrate how the beneficiary's performance is or was leading or critical compared to others employed in similar pursuits within the field of endeavor.
 - Details beyond generalities are required, such as the specific tasks or accomplishments of the beneficiary as compared to others who participated in the field of endeavor.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Evidence does not establish that the organizations or establishments have a distinguished reputation

This criterion has not been met because the evidence does not indicate that the organizations or establishments for which the beneficiary has performed in leading or critical roles have a distinguished reputation. To assist in determining that [enter name of organizations or establishments] has/have a distinguished reputation, you may submit:

- Evidence to demonstrate the distinguished reputation of the organizations or establishments for which the beneficiary performed in leading or critical roles. The evidence should document the organizations or establishments eminence, distinction, or excellence.
- The above is an example of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Evidence does not establish that the beneficiary has performed in leading or critical roles for organizations or establishments and that the organizations or establishments have a distinguished reputation

This criterion has not been met because the evidence does not indicate that the beneficiary has performed in leading or critical roles for organizations or establishments that have a distinguished reputation. To assist in determining that the beneficiary has performed in leading or critical roles for [enter the name of the organizations and establishments] and that [enter the name of the organizations or establishments] has/have a distinguished reputation, you may submit:

- Documentary evidence to demonstrate how the beneficiary's role was/is leading or critical for the organizations or establishments.
 - It is not the title of the beneficiary's role, but rather the beneficiary's performance in the role that determines whether the role is leading or critical. As such, include details regarding why the beneficiary's performance in the role was leading or critical.
- Documentary evidence to establish that the beneficiary has been a leader or has somehow contributed in a way that is of significant importance to the outcome of the organizations or establishments activities.
- Documentary evidence to demonstrate how the beneficiary's performance is or was leading or critical compared to others employed in similar pursuits within the field of endeavor.
 - Details beyond generalities are required, such as the specific tasks or accomplishments of the beneficiary as compared to others who participated in the field of endeavor.
- Evidence to demonstrate the distinguished reputation of the organizations or establishments for which the beneficiary performed in leading or critical roles. The evidence should document the organizations or establishments eminence, distinction, or excellence.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

(ix) Evidence that the beneficiary has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

You have provided [describe what was provided, e.g. Salary Verifications, paycheck stubs, ...]:

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- (list submitted evidence)

Evidence does not establish that the beneficiary's salary or remuneration is high relative to others working in the field

This criterion has not been met because the evidence does not establish that the beneficiary's salary or remuneration is high relative to others working in the field. To assist in determining that the beneficiary's salary or remuneration is high relative to others working in the field, you may submit:

- Copies of the beneficiary's W-2 or 1099 forms for years in which the beneficiary has received a high salary in the field of endeavor. Alternatively, you may provide similar foreign tax documents which establish yearly wages earned outside the U.S.
- Media reports of notably high salaries earned by others in the beneficiary's field.
- List compiled by credible professional organization(s) of the top earners in a field.
- Geographical or position appropriate compensation surveys;
- Organization justifications to pay above the compensation data;
- Information from the U.S. Department of Labor or similar sources that show the comparison of salaries within states, between states, etc. (see note below).
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Note: U.S. Department of Labor prevailing wage rate information alone does not generally establish whether the salary or other remuneration is "significantly" higher than that of others in the field. If U.S. Department of Labor prevailing wage rate information is submitted, it should be accompanied by other corroborative evidence showing that the wage rate is high relative to others working in the field. (See examples above).

(x) Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.

This criterion has been met.

-OR-

No evidence has been provided for this criterion.

-OR-

You have provided [describe what was provided, e.g. Evidence of releases of musical compilations, performances in theatrical productions, ...]:

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- (list submitted evidence)

Evidence does not Establish that the Beneficiary has had Commercial Successes in the performing arts

This criterion has not been met because the evidence does not establish that the beneficiary has had commercial successes in the performing arts. To assist in determining that the beneficiary has had commercial successes in the performing arts, you may submit:

- Evidence such as:
 - Box office receipts; or,
 - Sales receipts for audio or video recordings to show success in the performing arts.
- The above are examples of evidence you may submit to support your petition and are not all inclusive. You may submit any other relevant evidence which demonstrates you meet the criterion.

Note: This criterion focuses on volume of sales and box office receipts as a measure of the beneficiary's commercial success in the performing arts. That the beneficiary has recorded and released musical compilations or performed in theatrical, motion picture or television productions does not indicate commercial success alone. The evidence must show that the volume of sales and box office receipts reflect the beneficiary's commercial success relative to others involved in the beneficiary's area of expertise.

COMPARABLE EVIDENCE

If you are submitting comparable evidence:

- Submit evidence to establish that the ten criteria do not apply to the beneficiary's field of endeavor; or,
- The reasons the required evidence is not available.

REQUEST FOR TRANSLATIONS

All non-English language documents must have an English translation. A review of the record shows that you have submitted several documents which are in a language other than English. If you would like us to consider these documents, submit full English language translations. The translator must certify that the translations are accurate and complete, and that he or she is competent to translate from the foreign language into English.

TRANSITION PARAGRAPH FROM CRITERIA TO OVERALL MERITS

HAS NOT MET AT LEAST THREE CRITERIA

As discussed above, the beneficiary has not garnered a one-time achievement award or met at least three of the criteria.

Further, in each case, the totality of the evidence must establish that the beneficiary is:

- One of a small percentage who are at the very top of the field; and
- Has sustained national or international acclaim.

A review of the record does not establish that this has been met.

HAS MET AT LEAST THREE CRITERIA

The beneficiary has [garnered a one-time achievement award and/or met at least three of the criteria.]

However, in each case, the totality of the evidence must establish that the beneficiary is:

- One of a small percentage who are at the very top of the field; and
- Has sustained national or international acclaim.

A review of the record does not establish that this has been met.

Overall Merits

When ultimately making a final decision regarding eligibility, we will:

- First evaluate the evidence on an individual basis to determine if it meets the criteria, as discussed in part one; then,
- Consider all of the evidence in totality in making the final merits determination. The final merits determination will determine if the beneficiary:
 - Is one of the small percentage who are at the very top of the field; and,
 - Has sustained national or international acclaim in their field of endeavor.

You may submit any available additional documentary evidence and/or further documentary evidence to demonstrate how the record shows the beneficiary meets the regulatory criteria as discussed above.

Please note, the evidence must:

- Have been in existence as of the date the petition was filed;
- Demonstrate that the beneficiary is one of a small percentage who are at the very top of their field; and,
- Demonstrate that the beneficiary has sustained national or international acclaim.
 - In determining whether the beneficiary has enjoyed “sustained” national or international acclaim, such acclaim must be maintained. A beneficiary may have achieved extraordinary ability in the past but then failed to maintain a comparable level of acclaim thereafter.